

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON
RAISED BILL NO 6388, AN ACT PROVIDING MANDATE RELIEF TO
MUNICIPALITIES.**

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The Freedom of Information Commission would like to take this opportunity to comment on Section 2 in Raised House Bill 6388.

Public Act 08-03, which passed during June's special session, created the requirement that all public agencies post minutes and some meeting notices on their web sites. The passage of this law caused consternation in many corners of the state, especially in some of Connecticut's smaller cities and towns. The FOIC received numerous inquiries about the new law. Unfortunately, a number of towns, claiming that the requirement represents an unfunded state mandate, simply shut down their web sites in an attempt to avoid dealing with the new requirement altogether. In response to that outcry, several entities, including the FOIC, members of GAE, representatives of the Connecticut Conference of Municipalities and the Council of Small Towns have met to try to clarify some of the provisions of the new law. While the FOIC supports the idea of a clarification to the law, as the saying goes, the "devil is in the details."

The section of RB 6388 in question is one of at least 12 different proposals that would alter or eliminate the new web site posting provisions. The FOIC is pleased that this bill before you does not, as some of the other proposals do, seek a complete repeal of the web site posting provisions. It extends the act's commencement date as it applies to municipal agencies to a more reasonable January 1, 2010 rather than 2012 as proposed in other bills. The mechanisms for dealing with the newly imposed requirements do not ignore the good public policy reasons for passage of the law in the first instance and the simple fact that we, as a society, have become highly accustomed to getting critical information on the Internet.

The FOIC does have a concern that Section 2, giving municipal agencies 30 days to post their minutes on websites once the law takes effect, will dilute the good intentions of the original bill. The FOIC does not object to giving municipal agencies more time to post minutes. However, because minutes must be available within seven days as the law currently states, we feel it would make sense for the extension of time for posting to be a more modest 10 or 14 days.

For those towns having difficulty with the new law, the FOIC has offered the services of its very limited IT staff (one part-time position at this time), to aid in technical compliance. (See the FOIC's web site, www.ct.gov/foi). As always, the FOIC welcomes the opportunity to continue to work with this committee and others to revise this bill so that the new law will provide the access to government it is intended to create.